

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER ALHOVSKY,

Plaintiff,

-against-

THOMAS RYAN, NEW YORK CITY POLICE
DEPARTMENT DETECTIVES "1-5," NEW YORK
CITY POLICE DEPARTMENT OFFICERS "1-10,"
JACK T. LINN, STEVE SIMON, RAY BROWN,
BARBARA BROWN, and the NEW YORK CITY
DEPARTMENT OF PARKS AND RECREATION,

Defendants.

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07 Civ. 7628 (CM)

ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
WITHOUT PREJUDICE

McMahon, J.:

Defendants Detective Thomas Ryan and the City of New York filed a motion for summary judgment on May 1, 2008. Upon review, it is clear that this motion is not just a qualified immunity motion-- it is a premature motion for summary judgment that also includes arguments on the merits.

Because defendants' motion goes far beyond what is permitted in a motion for qualified immunity, defendants have forfeited their right to have this matter decided at an early stage based on qualified immunity. There will be no further motions until all discovery is completed. At that time, defendants can make a motion based on any grounds they want, including qualified immunity.

Defendants' motion for summary judgment is denied without prejudice. The clerk is directed to terminate this motion and remove it from the Court's calendar.

Dated: June 20, 2008



U.S.D.J.

BY ECF TO ALL COUNSEL